

MAR 31 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISRAEL ILLIJASH DAVIS,

Defendant - Appellant.

No. 08-30227

D.C. No. 2:06-cr-00440-JCC-2

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted March 18, 2009^{**}

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Israel Illijash Davis appeals from the district court's partial denial of his motion to modify his plea agreement and the district court's judgment imposing a

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

200-month sentence for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, and unlawful possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Davis contends that the district court violated Federal Rule of Criminal Procedure 32(i)(3)(B) and U.S.S. G. § 6A1.3 when it denied, in part, his motion to modify the plea agreement. However, these legal provisions do not apply to a court's order regarding a motion to modify a plea agreement. *See* Fed.R.Crim.P. 32(i)(3)(B); U.S.S.G. § 6A1.3 .

To the extent Davis contends in his opening brief that the district court did not adequately explain the reasons for its sentence, we reject the contention. *See Rita v. United States*, 127 S. Ct. 2456 (2007).

AFFIRMED.